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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/749,399	12/28/2000	Judith C. Espejo	BS00-129	5268

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EXAMINER

DAVIS, TEMICA M

ART UNIT	PAPER NUMBER
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2681

DATE MAILED: 10/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/749,399

Applicant(s)
Espejo et al.

Examiner
Temica M. Davis

Art Unit
2681



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Dec 28, 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

Art Unit: 2681

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over McConnell et al (McConnell), U.S. Patent No. 6,373,930.

Regarding claim 1, McConnell discloses an interactive voice response system for pre-paid wireless services (col. 4, lines 17-27) comprising: a peripheral device in communication with a mobile switching system (col. 3, line 53-col. 4, line 11), the mobile switching system capable of communicating with at least one wireless device (col. 4, lines 1-27), an IVR application on the peripheral device comprising inherently a menu driven system adapted to receive information from a customer, wherein the menu driven system responds to the information received from the customer (col. 3, lines 53-62, col. 5, lines 59-62, col. 6, lines 30-41).

McConnell, however, fails to disclose wherein at least one previous transaction is recited. The examiner, however, contends that at the time of invention such a feature would have been obvious since as shown in the above passages that a subscriber can interact with a voice response

Art Unit: 2681

system to receive and transmit subscriber related information. Further, previous transactions transmitted to the user would be beneficial to the user in order to help the user keep track of actions performed in the system.

Regarding claim 2, McConnell discloses the interactive voice response system of claim 1, wherein the peripheral device includes an IP (col. 4, lines 1-10).

Regarding claim 3, McConnell discloses the interactive voice response system of claim 1, wherein the peripheral device includes an SCP (col. 4, lines 10-16).

Regarding claim 4, McConnell discloses the interactive voice response system of claim 1 as described above.

McConnell, however, fails to disclose, wherein the menu drive system includes security provisions that permit customers to only access information related to their own personal accounts.

The examiner contends, however, that at the time of invention, such a feature would have been obvious to a person of ordinary skill in the art in order to ensure that information of other system users are not tampered with.

Regarding claim 5, McConnell discloses the interactive voice response system according to claim 1, wherein the menu driven system application resides on an SCP and communicates with the mobile switching system using IN TCAP messaging (col. 2, lines 44-52).

Art Unit: 2681

Regarding claim 6, McConnell discloses the interactive voice response system according to claim 5, wherein the menu driven system on the SCP communicates with an Intelligent Peripheral using TCP/IP (col. 4, lines 10-16).

Regarding claim 7, McConnell discloses the interactive voice response system according to claim 5, wherein the menu driven system on the SCP communicates with an Intelligent Peripheral using IN TCAP messaging over CSS7 Network, and wherein the Intelligent Peripheral plays voice messages and communicates with the mobile switching system through a voice path (col. 2, lines 39-65).

Regarding claims 8, McConnell discloses the interactive voice response system according to claim 1, wherein the transaction is a call (col. 5, lines 3-14).

Regarding claim 12, McConnell discloses the interactive voice response system according to claim 1, wherein the transaction is a replenishment (col. 5, lines 1-11).

Regarding claims 9-11, 13 and 14, McConnell discloses the interactive voice response system according to claims 8 and 12 as described above. McConnell, however, fails to disclose the specific recitations as described in claims 9-11, 13 and 14.

McConnell does, however, teach that the IVR system can play announcements (col. 3, lines 56-63). Therefore, at the time of invention, it would have been obvious to a person of ordinary skill in the art to implement announcements that recite the information as described in claims 9-11, 13 and 14 in order for the user of the system to hear the status of their account.

Art Unit: 2681

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Laybourn et al, U.S. Patent No. 6,625,439, discloses a system and method for managing prepaid wireless services.

Henderson et al, U.S. Patent No. 6,507,644, discloses pre-paid telephone calling card linked to a stored value account.

Cobo et al, U.S. Patent No. 6,496,690, discloses prepaid subscriber service for packet and circuit switched radio networks.

Fougnes et al, U.S. Patent No. 6,157,823, discloses a security cellular telecommunications system.

Smith et al, U.S. Patent No. 5,995,822, discloses a method for handling parallel transactions on telephone prepaid accounts.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Temica M. Davis whose telephone number is (703) 306-5837. The examiner can normally be reached on Monday-Thursday from 6:45 am to 3:15 pm. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Sinh Tran, can be reached on (703) 305-4040.

Art Unit: 2681

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to TC2600 Customer Service at (703) 306-0377.

Any response to this communication should be mailed to:

Commissioner of Patents and Trademarks

Washington, DC 20231

Or faxed to:

(703) 872-9314 (for any communications intended for entry).

*Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA., Sixth Floor (Receptionist).*

Temica M. Davis

September 30, 2003


TEMICA M. DAVIS
PATENT EXAMINER